

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A **meeting** of the **Committee on Land Use**, Standing Committee of Berkeley County Council, was held on **Monday, February 13, 2012**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:03 p.m.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; ex-officios Mr. Daniel W. Davis, County Supervisor, Mr. Timothy J. Callanan, Council District No. 2; and Mr. Robert O. Call, Council District No. 3. Ms. Nicole Ewing, County Attorney and Ms. Catherine Windham, Interim Clerk of County Council. Mr. Dennis Fish, Council District No. 5 was excused.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley: "Good afternoon ladies and gentlemen. I'd like to call the Committee on Land Use to order. Ms. Clerk, has this meeting been properly noticed?"

Ms. Windham: "Yes, sir. This meeting has been properly noticed via the South Carolina Freedom of Information Act."

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Chairman Farley: "Thank you. I'd like to ask Mr. Chip Boling to give us the invocation and Ms. Cathy Davis to lead us in the Pledge of the United States of America."

APPROVAL OF MINUTES:

January 9, 2012

Chairman Farley: "Thank you, Chip. Next is the approval of the minutes from the January 9, 2012 meeting. Do I have a motion?"

Committee Member Pinckney: "So moved."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Are there any corrections? All in favor please say Aye? (Ayes). Opposes, Nay? (No Response). The minutes stand approved as presented."

It was moved by Committee Member Pinckney and seconded by Committee Member Schurlknight to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Next is..."

A. Consideration prior to First Reading of the following:

- 1. Request by Charlie O. Howard, II for Marshal Manigault, Jr. located at 1616 North Highway 52, Moncks Corner, TMS #103-00-02-004 (4.0 +/- Acres) from Flex-1, Agricultural District to RNC, Rural Neighborhood Commercial District.**

Chairman Farley: "I just want to note that staff recommended denial and the Planning Commission also recommended denial, and that was unanimous. Chip, I mean, uh Eric."

Mr. Eric Greenway: "Yes, a few concerns came up with this request as we were reviewing it on the staff level. Number one, the amount of acreage; there's a 4-acre tract, and this particular property in this area calls for a restricted growth in this area and would not be appropriate to support a commercial zoning for the 4 acres. The applicant has expressed some desire to maybe reduce that amount to just around the existing commercial structure on the property. For a long time, this particular building was a convenience store, a garage, and things like that. Apparently that went away back in 1995, the building was listed on the tax records as being converted to storage, and then the convenience store got added back to the tax books in 2007. Technically, that was a violation to the zoning regulations and the grandfather status, because zoning came into the county in 1999. I'm not saying that anybody did anything wrong there, it's just that, by the way that the grandfathering clause of the zoning ordinance word at that time when it was added back after 1999, it was technically an illegal non-conforming use. Now, the applicant is requesting to convert the building into a restaurant. There is no community sewer here. There will be alcohol sales involved in that and they will have to meet the 51-49% split between the sell of food and alcohol. Originally, the applicant was updating this existing building to convert it into a bar or pool hall, and it's too close to a church to meet the 1,000-ft. requirement, and we have concerns about the viability of a restaurant operating long-term and effectively in this area, meaning restaurants along the 52 corridor there, all the way into Bonneau are only open for a short period of time and then they, you know, go out of business for whatever reason. So, we've got concerns about that. We feel the rezoning RNC may open us up to potential continued zoning violations out there with the operations of a bar, in violation of the zoning regulations. So, that's our concerns."

Committee Member S. Davis: "Mr. Chairman."

Chairman Farley: "Mr. Davis."

Committee Member S. Davis: "Mr. Howard had approached me about this matter, and he had represented to me that apparently he was, I don't know to what extent, assurance was given

to him that at one point, he believed that if certain conditions were met, that he could receive approval. You mind shedding some light on that if, there is any?"

Mr. Eric Greenway: "Well, you know, I don't certainly recall any conversations of that, to that regard. You know, obviously I always tell people all their options. They had the option early on whenever we went through this process, to try to prove that the facility was grandfathered. Obviously, that cannot occur, and then always give the people the option to rezone."

Committee Member S. Davis: "He also shared with me that there was some concern on the staff part that there would be an enormous cost to him to retro-fit the building for the purposes that he intends to use it."

Mr. Eric Greenway: "Yeah, to convert this building to a restaurant, the property would have to be brought into compliance with the arterial roads overlay so the parking area would have to be revamped to comply with that, put in the street buffers, the buffers along the residential uses to the left, that would be necessary. And just the building code requirements to convert the inside of the building to the restaurant would be very costly. That's not a concern that we necessarily have, but many times the people that buy that do these, go and invest these money into properties without checking with us first. They think if they come to you all, get the property rezoned, then they're done, they're ready to open business then the following day, and that is something I share with the Planning Commission as a concern of mine, and I just wanted the applicant to know that, even if he gets the rezoning, he's still got several thousand dollars worth of investment here, to get this building into a position where he can operate it as a restaurant."

Committee Member S. Davis: "And what about the concern if the acreage was limited just to the building instead of the 4 acres?"

Mr. Eric Greenway: "Yeah. I mean that certainly makes it more palatable on that particular case. You know, I'm not one to stand up here and say that you've got an existing commercial building that was there, has been there for years. The fact that we don't rezone the property, you know, the building is going to stay there. It's not gonna do anything to change the building being there. And essentially, you've got a piece of property with a building on it that can't be used for anything other than to store hay in because the property is now zoned agricultural so, no commercial use can be made of that property. So, if you reduce the acreage, it makes it a little better. It still would violate the Land Use Plan Map which is pretty much my job, is to let you guys know what the Comprehensive Plan calls for, for these properties."

Committee Member S. Davis: "And there's no question that the property meets and bounds on 52, and there are other commercial properties, as a matter of fact, we allowed a real estate business exists maybe less than 100 yards up the street."

Mr. Eric Greenway: "That's correct, that's right."

Committee Member S. Davis: "And, are there any opposition from neighbors in that area specifically in reference to the rezoning?"

Mr. Eric Greenway: "Not to my knowledge. Again, our concern solely went around the Comprehensive Plan, the proximity to the church, being within 1,000 ft. of the church, they can't comply with the County standards for the sale of alcohol as a predominant business. In order for it to be a restaurant, then 51% of the sales has to come from the sale of food, and we just have a concern about rezoning this property because I don't see that being a viable use of the property long-term, and I think it's gonna eventually turn into something that we're gonna have another code enforcement action on. But again, that's my opinion."

Committee Member S. Davis: "Yeah, but that's not to say though that the restaurant couldn't be successful."

Mr. Eric Greenway: "It could be a success. That's correct. And all I'm doing here this evening is letting you guys know the reasons and the basis for our denial. If you all feel comfortable based on your knowledge of the situation, and your knowledge of your conversations with the folks to go in a different direction, you know, I understand that there's an emotional side to planning and there's a side that you have to exercise in common sense with, so I don't take any exception...."

Committee Member S. Davis: "Eric, you all have been forthright and I think my stance on County Council, I've always taken position of staff, and the Planning Commission denies, not denies, then there has to be some extraordinary circumstances for me even to come to this Committee and suggest that they need to be overridden. Mr. Chairman, would it be appropriate if, let the applicant say a few words? He's present. Mr. Howard? He's coming forward."

Chairman Farley: "If you can, give your name and address, and..."

Mr. Charlie Howard: "I'm Charlie Howard, II. My address is 1015 Betaw Road, St. Stephen, South Carolina, that's 29479. As he was saying, yes, I don't want the whole 4 acres. It comes up to I think it's like $\frac{3}{4}$ of an acre. I've hired Mr. Bob Sample and Mr. Buddy Dehay. They're already in line and if you all approve me tonight, I'll have them out there tomorrow resurveying the land, laying everything down, doing the site survey. I've gotten the prices on redoing the building. The structural and site work is going to cost me \$4,000. That's getting everything stamped, signed off. The electrical, mechanical is going to cost me \$2,500. The landscaping as far as the trees that they require, every, I believe is 10 ft. or such, is going to cost me right at \$5,000. So I'm looking at like another, a little over \$11,000, between \$11-12,000 which I've already gotten right at that in this place now, from what I've already redone to this place before...."

Committee Member S. Davis: "That already went forward and made some renovations?"

Mr. Charlie Howard: "Yes, sir. I've done a lot of renovations..."

Committee Member S. Davis: "What was your understanding as you were doing these renovations? What was your understanding, you know, that you were doing this renovation, and yet you knew you needed approval?"

Mr. Charlie Howard: "When I leased the building, I leased it as I was going to do it as a restaurant and grill, just like I'm trying to do now."

Committee Member S. Davis: "Because it used to be a restaurant."

Mr. Charlie Howard: "Yes, sir. And the owner of the property which was Mr. Manigault, who is also present, had, didn't know that the zoning was..."

Committee Member S. Davis: "Expired or changed."

Mr. Charlie Howard: "And so it was just kind of a misunderstanding. That's the worst, you know. But after I got, I think it's like \$11,700 and something dollars I've got tied up in it right now, just for redoing, having the walk-in freezers redone, the air conditionings, having ceramic tile put in the bathrooms, I mean, I've had, the only structural work I'm gonna have left, that I've got to do to get up to code, I've gotta put a back door in to be up for the fire code, and that is it."

Committee Member S. Davis: "You understand..."

Mr. Charlie Howard: "The parking lot, I'm sorry. I didn't mean to"

Committee Member S. Davis: "No, that's I'm sorry.."

Mr. Charlie Howard: "The parking lot is...the only thing I'm gonna have to do is paint lines and the handicapped spots. I've already had the surveying crew come out there. Now, I didn't let them start the work because of course, at the last meeting I was being told that I was going to be pretty much out of everything I had in it. So, I didn't want to put anything else forth until I spoke to you all, you know. But, as far as the costs, I'm aware of everything I've got to put in it. I'm aware of the risk that it might not work as a restaurant. I'm aware that it's got to be 51%. I'm aware of everything that Mr. Greenway said."

Committee Member S. Davis: "You understand..."

Mr. Charlie Howard: "Yes, yes, sir."

Committee Member S. Davis: "You understand that they don't want this to be just an establishment that sells liquor instead of food."

Mr. Charlie Howard: "Yes, sir, Yes, sir. I mean, if you think about it, I've got Jeffrey's Steam Plant right there. I've got CR Bard right there, which, and I'm born and raised right here. Yeah, many restaurants may have been closed right there, but I mean, maybe that's because

those people weren't as well known as I am around here. Friends and family alone, I would float."

Committee Member S. Davis: "What kind of hours you envision being open?"

Mr. Charlie Howard: "Every day, but Sunday."

Committee Member S. Davis: "I know, but what time do you think about closing?"

Mr. Charlie Howard: "Really hadn't got into it. If you all give me a stipulation, I'll stick to it. But I mean, I don't wanna be told I gotta close down at 8 o'clock or you know. I want to be open as long as I've got money going in the cash register, of course. But, you know, that's why I'm doing it. I'm a young guy. This is my first venture into trying ..."

Committee Member S. Davis: "What kind of work do you do, son?"

Mr. Charlie Howard: "I've been a welder and an iron worker since I was 12 years old, and my family's a general contractor, does steel erections—Allstate Erectors, Howard Rigging Company. And that's why I'm not really worried about the renovations, because I can get any permit I need. They're a general contractor, I mean, yeah, this is my first venture into trying to be in my own business, but I'm not completely ignorant to the fact of being around business."

Committee Member S. Davis: "But, you understand some aspect about the fear in reference to characterization as more of a bar type than more of a food establishment?"

Mr. Charlie Howard: "Yes, sir. And that's not the case. I'm not looking to run a bar, by any means. I want it to be an establishment where you can come together, I mean, of course, I'm gonna serve, I mean, there is people who like to have a beer with their steak, or yeah, I'm gonna serve it. I've actually already been approved for all those licenses. I've actually already got those licenses. I've actually already got my tax licenses. I mean, I was given all that before I was ever told anything about the zoning not being up to par. I mean, and then after I got everything and thought I was ready to open, I got a sticker on my window telling me, hey...."

Committee Member S. Davis: "Ok. Thank you. Thank you Mr. Chairman. I move for approval. And I tell you why. We don't have many eating establishments beyond the Tail Race Canal. And I know, Eric, this is not a reflection on you, but what really concerned me is that the folks that actually live in close proximity to the area, there's no opposition, there's no question that there are commercial properties less than 100 yards down the street, there's no question that it meets and bounds on U.S. 52, one of the most heavily traveled road in Berkeley County. Yes, there are some great many of majority residential homes in the area, but to do otherwise, is just to have a sore spot of a building that is gonna house hay. And I would hope that this Committee would at least do at First Reading, give this young man some active consideration when he's thinking about opening a business, small entrepreneur, he's not one of these large ones we give a tax incentive to come to Berkeley County, but at the same time, he's a young man who wants to venture into a Mom and Pop business, and I think he should be afforded an opportunity for

success or failure. And not to be anticipated whether or not he's not going to be successful. I have no interest, financial or otherwise, just as the young man approached me after he got in this tug-of-war, and I really had hoped that staff would have supported it, and the Planning Commission. I guess the primary rejection is the comprehensive planning, which there can be exceptions, and I would ask this Committee to actively consider exception in this matter."

Committee Member Schurlknight: "Mr. Chairman?"

Chairman Farley: "Can I get a second on it?"

Committee Member Schurlknight: "I'll second it."

Chairman Farley: "Okay. Discussion? Jack?"

Committee Member Schurlknight: "Eric. You talked about Mr. Manigault, Mr. Marshall. He owns the property now. If we don't rezone it, because I know it's been a convenience store, and Mr. Marshall built that thing a ways back. He's got a sizeable investment sitting there. If we don't look at rezoning that so he can operate it, what is his recourse on his investment there?"

Mr. Eric Greenway: "Yeah, and again, that's what I said earlier, is that, you know, basically, his only recourse would be to use it for some sort of allowable Flex-1 use, which is pretty much limited to some sort of agricultural use or church or a school of some type and, you know, I don't know that that's so great alternative there."

Committee Member Schurlknight: "Right."

Mr. Eric Greenway: "Let me say one thing for the record if I may, to clarify something that was said earlier, because I don't want you guys to think that I just dreamed up this idea about the bar and stuff. When our code officers approached the-- when they were in there working without permits, they told us that was what they intended to do there, so we didn't just dream that up. The applicant himself, or the people that were working on the building told us that's what it was gonna be, so that's where that concern originated from."

Committee Member Schurlknight: "Ok and I know that little church, right across 52, is fairly close."

Mr. Eric Greenway: "Yeah, it is. It's within the 1,000 ft. rule that we require in the code, probably complies with the State law which says it's gotta be 500 ft. away. Again, we were not asked for permits or anything like that, or we could have stopped this before he did the investment. He went through all of this without getting the permits."

Committee Member Schurlknight: "Now, was SLED and ABC, they got to issue those permits for alcohol sales, correct?"

Mr. Eric Greenway: "Yes. That's correct."

Committee Member Schurlknight: "And they will be the ones to look at the distance between them and the church?"

Mr. Eric Greenway: "They look at it from"

Committee Member Schurlknight: "Are we pretty much parallel of the State, or are we more strict?"

Mr. Eric Greenway: "We're more stringent. They look at it as being within 500 ft. of the establishment. Our regulations say within 1,000 ft. of the establishment, as measured from the use where the bar occurs to the property line where the church or the school or whatever the separation requirement should be."

Committee Member Schurlknight: "Right."

Mr. Eric Greenway: "So he does not meet that requirement."

Committee Member Schurlknight: "Personally, you know, I applaud, especially our young people, trying to get out and go into business for themselves, and I agree with Councilman Davis, that that area needs a good restaurant there. My concern is the alcohol part of it, and the church. That's in proximity of that, and the adverse effects, if it does turn into a bar, and they're trying to have services on Wednesday night, and it being that close. That's my concern."

Mr. Eric Greenway: "Yeah. And if you all don't have a concern about it being a restaurant, you know again, I've got concerns even about a restaurant operating long-term here, as being something that's gonna stay in business a long time or be a viable use for the property long-term, but if you guys don't have that concern and you choose to rezone the property, then we will monitor it and if it becomes anything other than that, then we'll take the appropriate legal action. I just have to make sure that I paint the picture clear for you all that that's what we will do. If we come to that point, and as long as the applicant understands that, if he goes out and does something that he's not supposed to do then I've clearly informed him and educated him through this process, that he will get a visit from our code officers and we will take appropriate action."

Committee Member Schurlknight: "So if it does become a problem in the future?"

Mr. Eric Greenway: "Yeah. We can shut it down."

Committee Member Schurlknight: "Through our law enforcement stuff, we can enforce?"

Mr. Eric Greenway: "We can shut it down, but that's you know. You all have to make the decision as to whether or not that's something that you're willing to spend the staff time on because once you allow the use to start, of course, it takes a lot of effort on our part, to get that use, to get that violation stopped. So my opinion is if you see a potential issue, is to never to let it start to begin with if you can prevent. However, you all again, have issues that you need to look

at that are outside the planning realm, and I certainly understand that, and if you choose to rezone the property based on what they've committed to tonight, should something happen, then we'll take the appropriate legal action. And do the enforcement necessary to make it comply as a restaurant, or shut down total."

Committee Member Schurlknight: "Thank you."

Committee Member C. Davis: "Mr. Chairman."

Chairman Farley: "Miss Davis."

Committee Member C. Davis: "Eric, how would we, Berkeley County, be able to tell if they were not using the 41% or 51%?"

Mr. Eric Greenway: "We would know, and they have to produce the records if we request it, showing their sales receipts that they have 51%."

Committee Member C. Davis: "That wouldn't be on a monthly basis, that would just be on request?"

Mr. Eric Greenway: "It would just be on a request type thing. We're gonna know if food sales are going on there, if other things are going on, you know. If it starts staying open till 1:30, 2:00 or 3:00 in the morning on a Friday and Saturday night, not many restaurants stay open that late, so we'll kinda know what's happening, just based on the activity going on there."

Committee Member Pinckney: "“Thank you. Eric, I've got a couple concerns here, and the first one being, is setting a precedent. And I applaud the young man for his entrepreneurship because I remember when I started out; people said that we wouldn't make it, so 25 years later. But yet still there was a different set of circumstances, and another concern that I do have. What prompted the gentleman to move forward and to get all this money invested? Or how all of this came about?"

Mr. Eric Greenway: "I can't really answer the second question. You know the first question."

Committee Member Pinckney: "Ok."

Mr. Eric Greenway: "You know. That would be better for him to answer that. It's just a lack of...we still have a lot of folks in the County that are used to the old way the County did things, and they had an existing building, they think that the zoning is fine, they just go out and start working on it and don't think about checking with us. And again, I'm not in any way trying to disparage the applicant or anything. I think he made a legitimate mistake. That's not, you know, I don't want to come across as being harsh against him for doing something without a permit. So you know, we see that every day here in the County, and it's just a thing that we try to educate people on. You know."

Committee Member Pinckney: "But this is just kind of going against the grain as far as Comprehensive Plan is concerned. How does that fit with you know, my question was about spot zoning."

Mr. Eric Greenway: "Well, you know, the, again, the spot zoning issue is if you rezone something to a use as established in the neighborhood it's completely out of character with the surrounding area. In this particular case, you've got an existing building that's been a commercial building historically here. So if you decided to rezone that property to commercial, I don't think that anyone could make a claim that it's out of character with the area, because we allow it to operate as a commercial use for years as a grandfathered use, so I don't know that anyone could make a good argument there. Again, from the Comprehensive Plan standpoint, the Comprehensive Plan again, is a general guideline and I'm partly making Mr. Davis's case for him here so if you guys will bear with me, and give me a moment. Not that I'm intending to but I'm going to...one of the mistakes that planning professionals make in my opinion is misusing the Comprehensive Plan. It's a guide to direct the growth and development of the County. But that's all it's supposed to be is a guide. Now we should adhere to it whenever it's necessary, and whenever there is something new coming along, that is going to go against it. You don't have that particular case here, and the Comprehensive Plan does not take into account, and can't take into account, every individual use of property that may have been there historically. So you know it does violate the Comprehensive Plan. You all hired me to tell you what the Comprehensive Plan calls for, I make my recommendations based on that, as a guide for developing the County and as a recommendation for the growth of the County. If there are existing situations out there that you feel deserve alternative consideration, then by all means, feel free to make the decision that you feel you need to make."

Committee Member Pinckney: "Yeah, you know, my concern is here again, I kind of take you back to some of the things that Mr. Davis said. A young man trying to make it in a legal professional business and he kind of put the cart before the horse, and we realize that. We recognize that fact. But I also know that there are exceptions to all rules, and if I was to make any exceptions to any rule, with the amount of money that he has involved, I mean. I think that this would be one of those times, and I could pretty much feel like I'm standing on pretty solid ground."

Mr. Eric Greenway: "Yeah, and if you all like to recommend to rezone the property and the Council votes to rezone the property, we're gonna help him get through the process to get his business established and new use and all of that, so you know, we have things that we have to look at and I don't take any kind of offense to you all going in a different direction should you choose to do so."

Committee Member Pinckney: "Eric, since this is First Reading, does, is he into some kind of timeline, or anything like that? Because if we move forward, does he understand that it's probably going to be 2 more months?"

Mr. Eric Greenway: "Yeah. He's been shut down for several months out there. He started working on this building many months ago, and started having some discussions with us, and it's

been quite a few months. So he understands he can't operate until he gets through this process over the next three months."

Chairman Farley: "Alright. Thank you. Anyone else? We have a motion, and a second to go forward with this. All in favor? (Ayes). All opposed? (Nay). We have one Nay. (Committee Member C. Davis voted Nay) We'll move forward to a First Reading, will be the end of the month."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to First Reading, a request by **Charlie O. Howard for Marshal Manigault, Jr.** The motion passed by majority voice vote of the Committee. Committee Member C. Davis voted Nay.

Chairman Farley: "Next is..."

B. Review prior to Third Reading of the following:

1. **Bill No. 11-45**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Amy Murray for Fred Hulseberg**, located at 1880 N. Main St., Summerville, **TMS #222-13-06-011** (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District**. Council District 4.

Committee Member C. Davis: "Move for approval."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** consideration, prior to Third Reading, of **Bill No. 11-45**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Next is..."

2. **Bill No. 11-46**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, **TMS #271-00-02-035** (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District**. Council District 8

Committee Member S. Davis: "Move for approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to Third Reading, of **Bill No. 11-46**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Next is..."

3. **Bill No. 11-47**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, **TMS #202-00-00-012** (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District 8

Committee Member S. Davis: "Move for approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** consideration, prior to Third Reading, of **Bill No. 11-47**. The motion passed by unanimous voice vote of the Committee.

Committee Member Schurlknight: "Move for adjournment."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. All in favor? (Ayes). All opposed? (No Response). We are adjourned."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

The meeting on Land Use ended at 6:32 p.m.

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Cathy S. Davis, District No. 4
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

Mr. Timothy J. Callanan, District No. 2, ex officio
Mr. Robert O. Call, District No. 3, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday, February 13, 2012**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES: **January 9, 2012**

A. Consideration prior to First Reading of the following:

- 1. Request by Charlie O. Howard, II for Marshal Manigault, Jr.** located at 1616 North Highway 52, Moncks Corner, **TMS #103-00-02-004** (4.0 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural Neighborhood Commercial District.** Council District 8.
[Staff recommended denial]
[Planning Commission recommended denial - Unanimous]

B. Review prior to Third Reading of the following:

- 1. Bill No. 11-45, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Amy Murray for Fred**

Holseberg, located at 1880 N. Main St., Summerville, **TMS #222-13-06-011** (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District**. Council District 4.

[Staff recommended approval]

[Planning Commission recommended approval - Unanimous]

2. **Bill No. 11-46**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, **TMS #271-00-02-035** (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District**. Council District 8

[Staff recommended approval]

[Planning Commission recommended conditional approval – Unanimous]

3. **Bill No. 11-47**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, **TMS #202-00-00-012** (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District 8

[Staff recommended approval]

[Planning Commission recommended approval – Unanimous]